



General Assembly

***Amendment***

***January Session, 2015***

**LCO No. 8121**



Offered by:

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To: Subst. Senate Bill No. **1053**

File No. 714

Cal. No. 396

***"AN ACT PROHIBITING OUT-OF-SCHOOL SUSPENSIONS AND  
EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES  
KINDERGARTEN TO TWO."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 10-233c of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2015*):

6 (a) Any local or regional board of education may authorize the  
7 administration of the schools under its direction to suspend from  
8 school privileges [any] a pupil whose conduct on school grounds or at  
9 a school sponsored activity is violative of a publicized policy of such  
10 board or is seriously disruptive of the educational process or  
11 endangers persons or property or whose conduct off school grounds is  
12 violative of such policy and is seriously disruptive of the educational  
13 process. In making a determination as to whether conduct is seriously

14 disruptive of the educational process, the administration may consider,  
15 but such consideration shall not be limited to: (1) Whether the incident  
16 occurred within close proximity of a school; (2) whether other students  
17 from the school were involved or whether there was any gang  
18 involvement; (3) whether the conduct involved violence, threats of  
19 violence or the unlawful use of a weapon, as defined in section 29-38,  
20 and whether any injuries occurred; and (4) whether the conduct  
21 involved the use of alcohol. Any such board may authorize the  
22 administration to suspend transportation services for [any] a pupil  
23 whose conduct while awaiting or receiving transportation to and from  
24 school endangers persons or property or is violative of a publicized  
25 policy of such board. Unless an emergency exists, no pupil shall be  
26 suspended without an informal hearing by the administration, at  
27 which such pupil shall be informed of the reasons for the disciplinary  
28 action and given an opportunity to explain the situation, provided  
29 nothing herein shall be construed to prevent a more formal hearing  
30 from being held if the circumstances surrounding the incident so  
31 require, and further provided no pupil shall be suspended more than  
32 ten times or a total of fifty days in one school year, whichever results in  
33 fewer days of exclusion, unless such pupil is granted a formal hearing  
34 pursuant to sections 4-176e to 4-180a, inclusive, and section 4-181a. If  
35 an emergency situation exists, such hearing shall be held as soon after  
36 the suspension as possible.

37 Sec. 2. Subsection (g) of section 10-233c of the general statutes is  
38 repealed and the following is substituted in lieu thereof (*Effective July*  
39 *1, 2015*):

40 (g) On and after July 1, [2010,] 2015, all suspensions pursuant to this  
41 section shall be in-school suspensions, [unless] except a local or  
42 regional board of education may authorize the administration of  
43 schools under its direction to impose an out-of-school suspension on  
44 any pupil in (1) grades three to twelve, inclusive, if, during the hearing  
45 held pursuant to subsection (a) of this section, [(1)] (A) the  
46 administration determines that the pupil being suspended poses such

47 a danger to persons or property or such a disruption of the educational  
48 process that the pupil shall be excluded from school during the period  
49 of suspension, or [(2)] (B) the administration determines that an out-of-  
50 school suspension is appropriate for such pupil based on evidence of  
51 [(A)] (i) previous disciplinary problems that have led to suspensions or  
52 expulsion of such pupil, and [(B)] (ii) efforts by the administration to  
53 address such disciplinary problems through means other than out-of-  
54 school suspension or expulsion, including positive behavioral support  
55 strategies, or (2) grades preschool to two, inclusive, if during the  
56 hearing held pursuant to subsection (a) of this section, the  
57 administration determines that an out-of-school suspension is  
58 appropriate for such pupil based on evidence that such pupil's conduct  
59 on school grounds is of a violent or sexual nature that endangers  
60 persons. An in-school suspension may be served in the school that the  
61 pupil attends, or in any school building under the jurisdiction of the  
62 local or regional board of education, as determined by such board.  
63 Nothing in this section shall limit a person's duty as a mandated  
64 reporter pursuant to section 17-101a to report suspected child abuse or  
65 neglect.

66 Sec. 3. Subsection (a) of section 10-233d of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective July*  
68 *1, 2015*):

69 (a) (1) Any local or regional board of education, at a meeting at  
70 which three or more members of such board are present, or the  
71 impartial hearing board established pursuant to subsection (b) of this  
72 section, may expel, subject to the provisions of this subsection, any  
73 pupil in grades three to twelve, inclusive, whose conduct on school  
74 grounds or at a school-sponsored activity is violative of a publicized  
75 policy of such board or is seriously disruptive of the educational  
76 process or endangers persons or property or whose conduct off school  
77 grounds is violative of such policy and is seriously disruptive of the  
78 educational process, provided a majority of the board members sitting  
79 in the expulsion hearing vote to expel and that at least three

80 affirmative votes for expulsion are cast. In making a determination as  
81 to whether conduct is seriously disruptive of the educational process,  
82 the board of education or impartial hearing board may consider, but  
83 such consideration shall not be limited to: (A) Whether the incident  
84 occurred within close proximity of a school; (B) whether other students  
85 from the school were involved or whether there was any gang  
86 involvement; (C) whether the conduct involved violence, threats of  
87 violence or the unlawful use of a weapon, as defined in section 29-38,  
88 and whether any injuries occurred; and (D) whether the conduct  
89 involved the use of alcohol.

90 (2) Expulsion proceedings pursuant to this section, except as  
91 provided in subsection (i) of this section, shall be required for any  
92 pupil in grades kindergarten to twelve, inclusive, whenever there is  
93 reason to believe that any pupil (A) on school grounds or at a school-  
94 sponsored activity, was in possession of a firearm, as defined in 18  
95 USC 921, as amended from time to time, or deadly weapon, dangerous  
96 instrument or martial arts weapon, as defined in section 53a-3, (B) off  
97 school grounds, did possess such a firearm in violation of section 29-35  
98 or did possess and use such a firearm, instrument or weapon in the  
99 commission of a crime under chapter 952, or (C) on or off school  
100 grounds, offered for sale or distribution a controlled substance, as  
101 defined in subdivision (9) of section 21a-240, whose manufacture,  
102 distribution, sale, prescription, dispensing, transporting or possessing  
103 with intent to sell or dispense, offering, or administering is subject to  
104 criminal penalties under sections 21a-277 and 21a-278. Such a pupil  
105 shall be expelled for one calendar year if the local or regional board of  
106 education or impartial hearing board finds that the pupil did so  
107 possess or so possess and use, as appropriate, such a firearm,  
108 instrument or weapon or did so offer for sale or distribution such a  
109 controlled substance, provided the board of education or the hearing  
110 board may modify the period of expulsion for a pupil on a [case by  
111 case] case-by-case basis, and as provided for in subdivision (2) of  
112 subsection (c) of this section.

113 (3) Unless an emergency exists, no pupil shall be expelled without a  
114 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,  
115 and section 4-181a, provided whenever such pupil is a minor, the  
116 notice required by section 4-177 and section 4-180 shall also be given to  
117 the parents or guardian of the pupil. If an emergency exists, such  
118 hearing shall be held as soon after the expulsion as possible. The notice  
119 shall include information concerning legal services provided free of  
120 charge or at a reduced rate that are available locally and how to access  
121 such services.

122 Sec. 4. (NEW) (*Effective July 1, 2015*) (a) As used in this section,  
123 "preschool program provider" means a local or regional board of  
124 education, state or local charter school or interdistrict magnet school  
125 that offers a preschool program.

126 (b) (1) No preschool program provider shall expel any child  
127 enrolled in such provider's preschool program, except an expulsion  
128 hearing shall be conducted, in accordance with the provisions of  
129 subdivision (2) of this subsection, whenever there is reason to believe  
130 that any child enrolled in such preschool program was in possession of  
131 a firearm, as defined in 18 USC 921, as amended from time to time, on  
132 or off school grounds or at a preschool program-sponsored event. Such  
133 child shall be expelled for one calendar year if, at the expulsion  
134 hearing it is determined, that the child did so possess such a firearm. A  
135 preschool program provider may modify the period of expulsion for a  
136 child on a case-by-case basis.

137 (2) An expulsion hearing required under this subsection shall be  
138 conducted by (A) the program provider in accordance with the  
139 provisions of this subdivision, (B) a local or regional board of  
140 education, in accordance with the provisions of section 10-233d of the  
141 general statutes, as amended by this act, if (i) the preschool program  
142 provider is a local or regional board of education, or (ii) the preschool  
143 program provider is a regional educational service center or a state or  
144 local charter school pursuant to an agreement between such preschool  
145 program provider and the board of education, or (C) an impartial

146 hearing board established by the preschool program provider,  
147 provided (i) no employee of such preschool program provider shall be  
148 a member of the impartial hearing board, and (ii) the hearing board  
149 shall have the authority to conduct the expulsion hearing and render a  
150 final decision in accordance with the provisions of sections 4-176e to 4-  
151 180a, inclusive, of the general statutes and section 4-181a of the general  
152 statutes. Unless an emergency exists, no child shall be expelled under  
153 this subsection without a formal hearing held pursuant to sections 4-  
154 176e to 4-180a, inclusive, of the general statutes and section 4-181a of  
155 the general statutes, provided the notice required by section 4-177 of  
156 the general statutes and section 4-180 of the general statutes shall also  
157 be given to the parent or guardian of the child. If an emergency exists,  
158 such hearing shall be held as soon after the expulsion as possible. The  
159 notice shall include information concerning legal services provided  
160 free of charge or at a reduced rate that are available locally and how to  
161 access such services.

162 (c) No preschool program provider may authorize a suspension of a  
163 child enrolled in such provider's preschool program, unless the  
164 suspension is an in-school suspension.

165 Sec. 5. Subsection (a) of section 10-76v of the general statutes is  
166 repealed and the following is substituted in lieu thereof (*Effective July*  
167 *1, 2015*):

168 (a) Early detection and prevention programs funded under the  
169 provisions of sections 10-76u to 10-76x, inclusive, as amended by this  
170 act, shall include (1) a component for systematic early detection and  
171 screening to identify children experiencing behavioral, disciplinary or  
172 early school adjustment problems, and (2) services that address such  
173 problems for children so identified.

174 Sec. 6. Subsection (b) of section 10-76u of the general statutes is  
175 repealed and the following is substituted in lieu thereof (*Effective July*  
176 *1, 2015*):

177 (b) The Commissioner of Education shall solicit grant applications  
 178 from local and regional boards of education which shall be submitted  
 179 annually to the commissioner at such time and on such forms as the  
 180 commissioner prescribes. The commissioner shall issue not less than  
 181 four grants by September fifteenth of each year. In determining if a  
 182 board of education shall be granted funds pursuant to this section and  
 183 sections 10-76v to 10-76x, inclusive, as amended by this act, the  
 184 commissioner shall consider, but such consideration shall not be  
 185 limited to, the following factors: (1) Availability in the school and  
 186 community of professional, paraprofessional, and other program staff  
 187 with background and experience in early intervention; (2) availability  
 188 of space to accommodate the program in an elementary school  
 189 building; (3) demonstration of strong support by administrative  
 190 personnel, teaching staff, pupil personnel staff and local community  
 191 mental health centers; [and] (4) reasonable evidence of future stability  
 192 of the program and its personnel; and (5) the number of children  
 193 enrolled in grades kindergarten to two, inclusive, in a school under the  
 194 jurisdiction of such board of education experiencing behavioral,  
 195 disciplinary or early school adjustment problems."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	10-233c(a)
Sec. 2	<i>July 1, 2015</i>	10-233c(g)
Sec. 3	<i>July 1, 2015</i>	10-233d(a)
Sec. 4	<i>July 1, 2015</i>	New section
Sec. 5	<i>July 1, 2015</i>	10-76v(a)
Sec. 6	<i>July 1, 2015</i>	10-76u(b)